

REMARKS

The applicants have carefully considered the Office action dated August 31, 2005. Claims 22 and 23 have been amended. In view of the following remarks, all pending claims are in condition for allowance. Accordingly, favorable reconsideration of all pending claims is respectfully requested.

The Office action identified pending claims 1-23 as being directed to two (2) distinct inventions. Specifically, the Office action required an election between claims 1-21 (Group I) and claims 22-23 (Group II). As set forth in detail below, without denying that the claims are patentably distinct, applicant traverses this election requirement. Subject to that traversal and in accordance with the requirements of 37 C.F.R. § 1.143, applicants hereby provisionally elect claims 1-21 (Group I) for further prosecution in this application. Reconsideration and withdrawal of the restriction requirement is, however, requested in view of the following remarks.

Claims 22 and 23 have been amended to be dependent upon independent claim 1. Accordingly, claims 22 and 23 recite manners of operating the firearm of claim 1 and manners of manufacturing the firearm of claim 1, respectively. As such, it is respectfully submitted that these claims should be examined together.

In this regard, the applicants respectfully note that the M.P.E.P. states that there are two criteria which *must* be met for a requirement for restriction to be proper; (1) the inventions must be independent or distinct as claimed; and, (2) there must be a serious burden on the examiner if restriction is not required. (M.P.E.P. § 803). In this instance, examining these claims together

would in no way place a serious burden on the Examiner. On the contrary, if there is a serious burden in the present application, it is on the assignee of this application as a result of this election requirement. Unless the election requirement is withdrawn, the applicants must either forego their constitutional right to patent protection for their invention, or must prosecute separate applications, (thereby multiplying the cost and time of obtaining protection for the inventive subject matter), and must also then pay separate maintenance fees for each of the issued patents. It is respectfully submitted that the burden of the expense incurred in order to obtain two different patents and the further expense in maintaining those patents suffered by the applicants, far outweigh any possible burden the Patent Office may incur as a result of simultaneously examining the claims of this application.

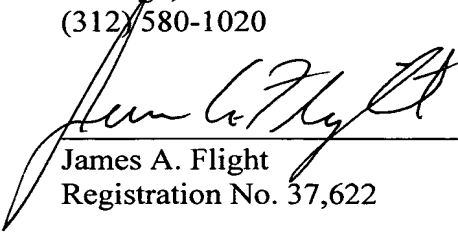
In view of the foregoing, the applicants request that the election requirement be withdrawn.

If the Examiner is of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is invited to contact the undersigned at the number identified below.

Respectfully submitted,

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